

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 21, 2011

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Major Poindexter was also in attendance.

Marc Carmichael, Mark Webb, Jim Howard, Greg Genrich, Jeff McKean, Trevor Vance, Nicole Upano, Barnaby Struve, Omar Robinson, John Barnett, Jim Purucker and Debbie Rolfsen were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the June 7, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the June 21, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

RR45-06950 SUSKO CORPORATION – Vice Chairman Johnson stated this renewal application was recommended to be denied by the Lake County Local Board. The Commission upheld the recommendation. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation to reverse the denial and approve the renewal of the permit. Commissioner Guthrie seconded. Motion was unanimously approved.

RR49-93056 FORED, INC. – Vice Chairman Johnson stated this permittee and their employee were cited for furnishing alcohol beverage to a minor and allowing a minor to loiter. The Prosecutor made an offer to both to settle this matter; however, an agreement could not be reached, so an appeal hearing was held. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation to find the permittee and the employee guilty of the offenses and charge a fine of \$750.00 to the permittee and \$75.00 to the employee. Commissioner Guthrie seconded. The motion was unanimously approved.

GR02-25675 BILLY'S DUGOUT, LLC – Vice Chairman Johnson stated this is a type II gaming endorsement renewal application. The application was denied because the permittee is on probation for a felony and the Commission felt the probation should be completed before approving the renewal. The permittee asked for a review of that decision and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation and deny the renewal of the type II gaming endorsement until probation is completed. Commissioner Guthrie seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Commissioner Guthrie seconded. The motion was unanimously approved.

Four hundred eighteen (418) permits approved for renewal, fifty-one (51) new and/or transfer permits approved, eighteen (18) permits approved for catering, four (4) permits approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for third year escrow, and two (2) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR45-91097 CRESSMORE NORTH LLC – Commissioner Guthrie noted this is a type 112 transfer of ownership application. The local board recommended approval four (4) to zero (0). However, this permittee has been cited three times for serving liquor on their two-way permit. They were cited again on Friday, June 17, 2011, for the same offense, along with other violations.

Commissioner Guthrie moved to remand this application to the local board for reinvestigation. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make one (1) permit inactive. The permit is not subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

RR12-18385 FRANKFORT GOLF CLUB – Vice Chairman Johnson stated the location of this permit is inside the city limits, but is a type 209. The permittee requested the Commission convert this type 209 permit to a type 210 permit

Vice Chairman Johnson moved to approve the conversion. Commissioner Sturtz seconded. The motion was unanimously approved.

INDIANA TRANSPORTATION MUSEUM – Commissioner Guthrie stated this museum applied for an alcoholic beverage permit. The museum is requesting to be able to store the alcoholic beverages off-premise because they feel the alcohol would not be secure on premise. Excise has been notified of this.

Commissioner Guthrie moved to approve this request. Commissioner Sturtz seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2011.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER